

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6555 of 2006()

CRIME NO.214/2006 OF VELLIKULANGARA POLICE STATION.

PETITIONERS/ACCUSED 3 AND 4:

1. ANAND PRABHAKARAN @ KANNAN (MINOR,
AGED 17 YEARS), REPRESENTED BY HIS MOTHER,
GEETHA PRABHAKARAN, AGED 39 YEARS, MAPPIL HOUSE,
VARANDARAPPLY, THRISSUR DISTRICT.
2. ANEESH, AGED 19 YEARS,
S/O. VASU, P.O. MAROTTICAL, KODAKARA,
THRISSUR DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6555 of 2006

Dated this the 6th November, 2006.

ORDER

Petitioners are accused 4 and 3 respectively, in Crime No.214/2006 of Vellikulangara Police Station, for the offence punishable under Section 392 IPC, read with Section 34 IPC. The prosecution alleges that on 14.10.2006, at 3 p.m., the first accused entered the Chembuchiram Milk Society, and went to the seat of the complainant, a woman, working in the Society. The first accused enquired about the address of one Biju. While she was trying to answer, the first accused snatched the gold chain worn by the complainant, and the second accused was keeping a vigil at a distance. The complainant cried aloud, and hearing the same, neighbouring shop owners entered the society. While accused 1 and 2 were trying to escape, they were caught by the people near by, police was informed and they were handed over to the police. Petitioners were on their motor bikes outside. Fourth accused was the owner of one motor bike and the second accused was the owner of another bike. Seeing the gathering of the people around, both the petitioners escaped

leaving their motor bikes, in which they travelled and kept ready for taking accused 1 and 2 back after committing the offence. Police seized the motor bikes. On arrest, snatched gold chain was recovered from the possession of first accused. Accused 1 and 2 had already been granted bail by the Magistrate Court, submits the counsel. However, the petitioners, accused 3 and 4, are before this Court for a pre-arrest order.

2. During the hearing, the learned counsel appearing for the petitioners submitted that the first petitioner, 4th accused, is a minor aged about 17 years only. The learned Public Prosecutor, on the other hand, submitted that he has not received any specific instruction about the age of the 4th accused, Kannan.

3. After hearing both sides, I dispose of the application, directing the second petitioner, 3rd accused, Aneesh, to surrender before the Investigating Officer, who is investigating Crime No.214/2006 of Vellikulangara Police Station, on 14.11.2006, between 9.30 and 10 a.m. The investigating officer shall proceed against the second petitioner, as per the law.

4. The first petitioner, 4th accused, Anand Prabhakaran alias Kannan, shall surrender before the Chief Judicial Magistrate Court, Thrissur, on 14.11.2006. The learned Magistrate shall hear both sides, peruse the records, and pass appropriate orders, according to the law.

**J.M. JAMES,
JUDGE**

nj.